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Case No. 4696C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SANDELL, Donald R.

Serial No.: 10/756,219

Filed: January 12, 2004

For: DEVICE AND METHOD FOR
THERMAL CYCLING

Confirmation No.: 1150

) Group Art Unit: 1744

) Examiner: William H. Beisner

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date of Deposit: October 17, 2005

Signature: *Cheri Gomez*

Type Name of Depositing Party: Cheri Gomez

AMENDMENT AND RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant thanks Examiner for interviewing this case on October 12, 2005. Further to the Office Action mailed July 27, 2005, Applicant refiles a terminal disclaimer for this application with respect to U.S. Pat. No. 6,677,151 along with this amendment. The refiled terminal disclaimer includes a corporate authorization document. Request reconsideration based on the submission of this response.

The Claims are reflected in the Listing of Claims section that begins on page 2 of this paper.

Response is reflected in the Remarks and Argument sections that begin on page 6 of this paper.

file

not providing a reasonable expectation of success, the combination of these references fails the second prong of the prima facie case of obviousness.

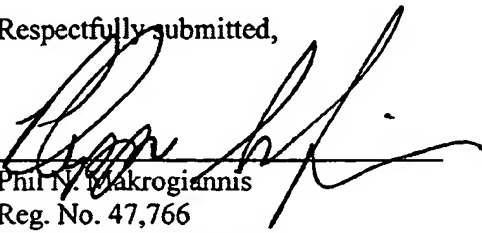
Based on the arguments above traversing the prima facie case of obviousness, reconsideration of the pending claims is requested.

Fee Authorization

Should any extension of time and/or fee be necessary for timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 01-2213 (order no. 4696C1)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Date: October 17, 2005

Respectfully submitted,



Phil N. Makrogiannis
Reg. No. 47,766
Attorney for Applicants

CORRESPONDENCE ADDRESS

Customer Number: 22896
APPLERA CORPORATION
Applied Biosystems Group
Patent Department – M/S 432-2
850 Lincoln Centre Drive
Foster City, California 94404
TEL: 650-554-2164
FAX: 650-638-6677

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/756219		
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> RCE 5-20-05 </div> <div style="width: 60%; text-align: center;"> CLAIMS AS FILED - PART I (Column 1) (Column 2) </div> <div style="width: 20%; text-align: right;"> SMALL ENTITY OR OTHER THAN SMALL ENTITY </div> </div>							
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE	OR	RATE FEE	
BASIC FEE (37 CFR 1.18(a))				\$ _____	OR		
TOTAL CLAIMS (37 CFR 1.18(c))	9	minus 20 =	X \$ _____ =		OR	\$ 790.00	
INDEPENDENT CLAIMS (37 CFR 1.18(b))	2	minus 3 =	X \$ _____ =		OR	\$ _____	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.18(d))			+ \$ _____ =		OR	\$ _____	
			TOTAL		OR	TOTAL \$ 790.00	
* If the difference in column 1 is less than zero, enter "0" in column 2.							
CLAIMS AS AMENDED - PART II							
AMENDMENT A	(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE ADDITIONAL FEE	
	Total (37 CFR 1.18(c))	18	minus 20 =	X \$ _____ =		OR	X \$ _____ =
	Independent (37 CFR 1.18(b))	4	minus 3 =	X \$ _____ =		OR	X \$ _____ = 200.00
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))			+ \$ _____ =		OR	+ \$ _____ =
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE \$ 200.00	
AMENDMENT B	(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE ADDITIONAL FEE	
	Total (37 CFR 1.18(c))		minus 20 =	X \$ _____ =		OR	X \$ _____ =
	Independent (37 CFR 1.18(b))		minus 3 =	X \$ _____ =		OR	X \$ _____ =
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))			+ \$ _____ =		OR	+ \$ _____ =
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT C	(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE ADDITIONAL FEE	
	Total (37 CFR 1.18(c))		minus 20 =	X \$ _____ =		OR	X \$ _____ =
	Independent (37 CFR 1.18(b))		minus 3 =	X \$ _____ =		OR	X \$ _____ =
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))			+ \$ _____ =		OR	+ \$ _____ =
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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